

1 **II. PARTIES**

2 2.1 Petitioner is the State of Washington (State). The Attorney General is
3 authorized by RCW 42.17A.765 to, among other things, investigate alleged violations of the
4 state campaign finance disclosure laws contained in RCW 42.17A. He is also authorized to
5 bring civil actions in the name of the State for violations discovered.

6 2.2 The State is informed and believes, and on that basis alleges, that Respondent
7 Stober is a resident of King County, Washington. At all times relevant to the allegations in the
8 citizen action notices filed against him, Respondent Stober was a candidate for election in
9 King County, Washington and an employee of the King County Assessor's Office located in
10 King County, Washington.

11 **III. FACTS**

12 3.1 On or about March 6, 2017, the Attorney General received a citizen action
13 notice from Glen Morgan alleging that Respondent Stober violated state campaign finance
14 disclosure laws, located at RCW 42.17A (the Act). The notice was submitted in accordance
15 with RCW 42.17A.765. *See Perkins Dec., Ex. A.*

16 3.2 On or about March 7, 2017, the Attorney General received a second citizen
17 action notice from Glen Morgan making additional allegations that Respondent Stober
18 violated state campaign finance disclosure laws. *See Perkins Dec., Ex. B.*

19 3.3 A response to the allegations was sought from Respondent Stober and he
20 eventually provided a single document response to both citizen action notices on May 10,
21 2017 denying the allegations made by Mr. Morgan. *See Perkins Dec., Ex. C.*

22 3.4 On May 22, 2017, the Attorney General, acting through Assistant Attorney
23 General Walter M. Smith, issued a Civil Order to Appear, Produce Documents, and Answer
24 Questions Under Oath Pursuant to RCW 42.17A.765 to Respondent Stober, which was
25 properly served on him both by certified mail and electronic mail to Respondent Stober's
26 email address. The return date on the Civil Order was June 8, 2017. *See Perkins Dec., Ex. F.*

1 3.5 The Civil Order requested the following documents and records:

- 2 1. All campaign financial records, including contracts, invoices, bills, and receipts,
3 and all letters, emails, notes, faxes, and other records documenting orders placed for
4 the following expenses by the 2015 Bailey Stober election campaign for Kent City
5 Council:

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Date	Amount	Vendor	Description
6/17/2015	\$450.00	Redwoods Enterprises	Kickoff deposit
7/13/2015	\$450.00	Redwoods Enterprises	Kickoff final payment
7/22/2015	\$2,404.31	Overnight Printing	Printing
7/27/2015	\$1,656.41	Overnight Printing	Printing
8/5/2015	\$250.00	James Dion Mr.	June management fee
8/10/2015	\$1,200.00	James Dion Mr.	July and August management

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- 13 2. To the extent not provided above, all campaign financial records, including
14 contracts, invoices, bills, and receipts, and all letters, emails, notes, faxes, and other
15 records that concern or relate to the following expenses by the 2015 Bailey Stober
16 election campaign for Kent City Council:

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Date	Amount	Vendor	Description
2015-08-05	\$315.86	Costco	BBQ sponsorship food
2015-08-05	\$250.00	James Dion Mr.	June management fee
2015-08-05	\$114.17	Safeway	BBQ sponsorship food
2015-08-05	\$100.00	Schukar Mary	Volunteer stipend
2015-08-10	\$1,200.00	James Dion Mr.	July and August management
2015-08-10	\$321.27	Costco	Thank you BBQ

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- 23 3. All campaign financial records, including contracts, invoices, bills, and receipts,
24 and all letters, emails, notes, faxes, and other records that concern or relate to
25 payment of the candidate filing fee for the 2015 Bailey Stober election campaign
26 for Kent City Council.

- 1 4. All campaign financial records, including contracts, invoices, bills, and receipts,
2 and all letters, emails, notes, faxes, and other records that concern or relate to use of
3 mailing lists by the 2015 Bailey Stober election campaign for Kent City Council.
- 4 5. All campaign financial records, including contracts, invoices, bills, and receipts,
5 and all letters, emails, notes, faxes, and other records that concern or relate to
6 professional or amateur photography services obtained by the 2015 Bailey Stober
7 election campaign for Kent City Council.
- 8 6. Records documenting the regular work schedule of Bailey Stober in his
9 employment with the office of the King County Assessor, January 2016 to May
10 2017.
- 11 7. Records documenting time worked and leave taken by Bailey Stober in his
12 employment with the office of the King County Assessor, and any documentation
13 of employee breaks and meal periods, on the following dates:
14 March 7, 2016, October 25, 2016, November 21, 2016, December 2, 8, 9, 12, 13,
15 and 23, 2016, January 6, 24, and 27, 2017, February 13, 14, and 17, 2017, March 1
16 and 3, 2017, April 6 and 24, 2017.

17 3.6 Respondent Stober did not produce any documents that appear responsive to
18 items 1-6 of the Civil Order. *See Perkins Dec.*, ¶ 8.

19 3.7 On June 2, 2017, the Attorney General's Office staff investigator contacted
20 Respondent Stober by telephone to confirm his attendance at the June 8, 2017 appearance in
21 response to the State's Civil Order. Respondent Stober denied receiving the Civil Order, even
22 though he verified the State had the correct addresses. On June 2, 2017, another copy of the
23 Civil Order was provided to Respondent Stober. *See Perkins Dec.*, ¶ 9.

24 3.8 On June 2, 2017, the State was contacted by counsel for Respondent Stober,
25 who confirmed that Respondent Stober was represented, and that he would not be able to
26 attend the June 8, 2017 appearance. *See Perkins Dec.*, ¶ 10.

3.9 The State rescheduled Respondent Stober's appearance for June 12, 2017.
While he appeared and his statement was taken, Respondent Stober failed to produce the
requested documents on that date. *See Perkins Dec.*, ¶¶ 11, 12.

3.10 On June 19, 2017, Respondent Stober was given one more opportunity to

1 produce the requested records no later than close of business on June 21, 2017. He did produce
2 some records on that date but not all the records requested. *See* Perkins Dec., ¶¶ 13, 14.

3 3.11 To date, the investigation of the Attorney General's Office has been
4 significantly hindered by Respondent Stober's refusal to produce documents and comply with
5 the Civil Order. *See* Perkins Dec., ¶ 15.

6 **IV. LEGAL AUTHORITY TO COMPEL PRODUCTION OF**
7 **RECORDS AND CONDUCT INVESTIGATIONS**

8 4.1 RCW 42.17A.765(3) provides that when the Attorney General requires the
9 attendance of any person to obtain such information or produce the accounts, bills, receipts,
10 books, papers, and documents that may be relevant or material to any investigation authorized
11 under this chapter, the Attorney General shall issue an order setting forth the time when and
12 the place where attendance is required and shall cause the same to be delivered to or sent by
13 registered mail to the person at least fourteen days before the date fixed for attendance.
14 RCW 42.17A.765(3) further provides that the order shall have the same force and effect as a
15 subpoena, shall be effective statewide, and, upon application of the attorney general, obedience
16 to the order may be enforced by any superior court judge in the county where the person
17 receiving it resides or is found, in the same manner as though the order were a subpoena.

18 4.2 RCW 34.05.588(2) provides that an agency with statutory authority to issue
19 investigative subpoenas may petition for enforcement of such subpoena in accordance with
20 RCW 34.05.588(1) which provides that the Court shall enter an order directing the person to
21 appear before the Court at a time and place fixed in the order to show cause why the person has
22 not obeyed the subpoena or refused to produce the documents.

23 4.3 RCW 34.05.588(2) provides further that if it appears to the Court that the
24 subpoena was properly issued, that the investigation is being done for a lawfully authorized
25 purpose, and that the testimony or documents required to be produced are adequately specified
26 and relevant to the investigation, the Court shall enter an order that the person appear before

1 the agency and testify or produce the required documents, and failing to obey this order, the
2 person shall be dealt with as for contempt of Court.

3 4.4 As shown above, each element is met. The Attorney General has statutory
4 authority to issue orders, which shall have the same force and effect as a subpoena. The
5 Attorney General has statutory authority to require production of information related to his
6 investigation of possible violations of RCW 42.17A. The Civil Order was properly issued.
7 Moreover, the records sought pursuant to the Civil Order are specifically identified and narrow
8 in scope and time.

9 4.5 In addition to the criteria set out in RCW 34.05.588(2), the Washington State
10 Supreme Court in *Steele v. State*, 85 Wn.2d 585, 594, 537 P.2d 782 (1975), held that an agency
11 seeking judicial enforcement of an administrative subpoena must show that the inquiry is
12 within the agency's authority, the demand is not too indefinite, and the information sought is
13 reasonably relevant.

14 4.6 All three prongs of the *Steele* test are met in this case. First, the inquiry is within
15 the Attorney General's authority. RCW 42.17A.765(3) accords the Attorney General the power
16 to obtain information relevant or material for the purpose of any investigation authorized under
17 RCW 42.17A.

18 4.7 Second, the demand is not impermissibly indefinite. In sum, the Attorney
19 General seeks campaign financial records and employment records in the custody or control of
20 Respondent Stober related to his 2015 campaign for the Kent City Council, and campaign
21 activities he may have conducted using the public facilities of his employer, the King County
22 Assessor's Office. Respondent Stober is required to maintain these records for five years after
23 he filed a final campaign report. RCW 42.17A.235(6). Further, he is prohibited from using
24 public facilities for campaign purposes. RCW 42.17A.555. The records sought are, therefore,
25 explained with the requisite particularity.

26 4.8 Third, the requested records are necessary to investigate and assess whether

1 Respondent Stober committed violations of RCW 42.17A. A thorough and comprehensive
2 assessment of potential violations of RCW 42.17A cannot be made without reviewing the
3 requested records, records that Respondent Stober failed and/or refused to produce.

4 4.9 Under either the criteria set forth in RCW 34.05.588 or set forth by the
5 Washington Supreme Court in *Steele*, the Civil Order issued by the Attorney General should be
6 judicially enforced and costs and fees assessed against Respondent for his failure to comply
7 with the Civil Order.

8 **V. RELIEF REQUESTED**

9 The State respectfully requests that the Court grant relief as follows:

10 5.1 Pursuant to RCW 34.05.588, issue an order requiring that Respondent Stober
11 produce the records, documents, and written information, required by the Attorney General's
12 Civil Orders, at a time and date certain, or to appear in this Court and show cause why he
13 should not be held in contempt for failure to do so.

14 5.2 If Respondent Stober fails to appear and comply with the Civil Order as
15 directed by the Court, or fails to show adequate cause why he has not done so, that this Court
16 find Respondent Stober in contempt and impose such criminal and/or civil penalties as
17 authorized by law.

18 5.3 For other such relief as the Court deems appropriate including award of costs
19 and fees associated with initiating this lawsuit.

20 5.4 Retain jurisdiction in this action to implement, carry out, and enforce the terms
21 of the Court's order and to entertain any suitable motions or applications related to this matter.

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1 DATED this 23rd day of June, 2017.

2 ROBERT W. FERGUSON
3 Attorney General

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